

Message Text

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ACTION DLOS-05

INFO OCT-01 ARA-06 ISO-00 AS-01 AF-06 EA-06 EUR-12 NEA-09

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NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

AID-05 CEQ-01 COA-01 COME-00 EB-07 EPA-01 IO-10

NSF-01 OES-03 FEAE-00 ACDA-05 AEC-05 AGR-05 DOTE-00

FMC-01 INT-05 JUSE-00 OMB-01 CIEP-01 CEA-01 OIC-02

TRSE-00 /145 W

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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 5803

USMISSION USUN

S E C R E T SECTION 1 OF 2 MEXICO 634

E.O. 11652: EXEMPT

TAGS: PLOS

SUBJECT: LOS CONSULTATIONS WITH MEXICO

DEPT PLEASE POUCH ALL AMEMBASSIES IN CARIBBEAN REGION

USUN PLEASE PASS TO AMBASSADOR STEVENSON

1. SUMMARY: U.S. AND MEXICAN DELS HELD VERY CORDIAL MEETING ON LOS JANUARY 20, CONCENTRATING ON ECONOMIC ZONE ISSUES. FOREIGN SECRETARY RABASA RECEIVED DEL, STRESSING MEXICAN INTEREST IN ECONOMIC ZONE, FREE NAVIGATION AND TUNA, AND STATING WE WOULD HAVE NO PROBLEM WITH MEXICO ON STRAITS. RABASA URGED U.S.-MEXICAN COOPERATION AT GENEVA TO COMPLETE THE NEGOTIATIONS. USDEL BELIEVES U.S. AND MEXICO ARE QUITE CLOSE ON STANDARDS FOR VESSEL-SOURCE POLLUTION, ACCOMMODATION OF USES IN ECONOMIC ZONE, AND PRINCIPLE OF FULL UTILIZA-

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TION OF FISHERIES. QUESTIONS OF RESIDUAL RIGHTS AND OF

INSTALLATIONS IN ECONOMIC ZONE REMAIN DIFFICULT, ALTHOUGH SOME PROGRESS IN NARROWING DIFFERENCES MAY BE FORTHCOMING IN LIGHT OF DISCUSSIONS. MEXICANS PROPOSED TUNA ORGANIZATION COMPOSED ONLY OF COASTAL STATES IN EASTERN PACIFIC "FROM PERU TO THE U.S." MEXICO HAS APPROACHED CARIBBEAN STATES, INCLUDING FIDEL CASTRO PERSONALLY, ON IDEA OF A SEPARATE CARIBBEAN TREATY ON FISHING THAT WOULD GIVE EQUAL FISHING RIGHTS BEYOND TERRITORIAL SEA THROUGHOUT CARIBBEAN TO ALL LOCAL INHABITANTS (MATRIMONIAL SEA) IN ORDER TO DEFUSE PROBLEM WITH ENGLISH-SPEAKING CARIBBEAN STATES IN LOS NEGOTIATIONS ON ECONOMIC ZONE. END SUMMARY.

2. USDEL HEADED BY JOHN NORTON MOORE, THE DEPUTY SPECIAL REPRESENTATIVE OF THE PRESIDENT, AND INCLUDING TOM CLINGAN, DEPUTY ASSISTANT SECRETARY OF STATE FOR OCEANS, ENVIRONMENT AND SCIENCE, BERNARD OXMAN, JACK MARTIN, AND EMBOFFS CRIGLER, REES AND ZORN, MET WITH MEXICAN DELEGATION LED BY AMBASSADOR CASTANEDA AND INCLUDING AMBASSADOR TELLO, DIRECTOR-IN-CHIEF FOR IO AFFAIRS SERGIO GONZALEZ GALVEZ, FEDERAL DEPUTY LIC. ALEJANDRO SOBARZO, NAVY CAPTAIN GILBERTO LOPEZ LIRA, FISHERIES ADVISOR ING. MANUEL MONDRAGON, AND DR. JORGE VARGAS (CONACYT).

3. MEETING WITH RABASA: DURING HALF HOUR MEETING OF DELEGATIONS WITH FOREIGN SECRETARY RABASA, HE EXPRESSED HOPE U.S. AND MEXICO WOULD WORK TOGETHER TO PUT TOGETHER A MIDDLE POSITION THAT COULD SUCCEED IN LOS CONFERENCE. HE EMPHASIZED IMPORTANCE OF 200-MILE ECONOMIC ZONE THAT INCLUDED COASTAL STATE CONTROL OVER RESOURCES BUT WITH FREEDOM OF NAVIGATION AND OVERFLIGHT, AND FREEDOM TO LAY SUBMARINE CABLES AND PIPELINES. HE ACKNOWLEDGED MEXICAN INTEREST IN FREE NAVIGATION AND IN AVOIDING PREJUDICE TO NAVIGATION FROM COASTAL STATE JURISDICTION TO FIX POLLUTION STANDARDS. ON STRAITS, HE SAID "YOU WON'T HAVE ANY TROUBLE FROM US." WITH RESPECT TO TUNA, HE URGED A REGIONAL ORGANIZATION COMPOSED OF COASTAL STATES OF THE REGION, INCLUDING THE U.S., BUT NOT WITH OTHERS, NOTING HOWEVER THAT THERE WOULD BE PROBLEMS IN EXCLUDING JAPAN. HE WANTED AN END TO MEXICO'S YEARLY BATTLE FOR A TUNA QUOTA, SAYING MEXICO IS CAUGHT IN A VICIOUS CYCLE: IT CAN'T GET INVESTMENT IN NEW BOATS WITHOUT A (PROTECTIVE) QUOTA, AND IT CAN'T GET THE QUOTA UNLESS IT HAS THE BOATS.

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AT TIMES IT WAS UNCLEAR WHETHER RABASA'S REFERENCES TO ECONOMIC ZONE WERE TO ESTABLISHMENT BY TREATY OR BY UNILATERAL ACTION; MOORE TOOK OCCASION TO STRESS IMPORTANCE OF AVOIDING UNILATERAL ACTION AS WELL AS COMMON INTEREST OF TWO COUNTRIES IN A TIMELY CONCLUSION OF SUCCESSFUL TREATY.

4. RESIDUAL RIGHTS IN ECONOMIC ZONE (EVENSEN ART. 13): SOME

PROGRESS MADE IN DISCUSSING PARAMETERS OF THE ISSUE. HOWEVER, CASTANEDA IS TROUBLED BY REFERENCES TO INTERNATIONAL LAW IN U.S. TEXT, SINCE ECONOMIC ZONE IS NEW SUI GENERIS CONCEPT, AND REPEATED VIEW BEFORE RABASA THAT RESULT SHOULD BE NEITHER COASTAL NOR INTERNATIONAL. BOTH SIDES WILL STUDY ISSUE AND MEET AGAIN DURING EVENSEN GROUP MEETING.

5. ACCOMMODATION OF USES IN ECONOMIC ZONE (EVENSEN ARTS. 14 AND 16): CASTANEDA SEEMED GENERALLY PREPARED TO ACCEPT THE U.S. DRAFT 14 PRESENTED IN NEW YORK IF ART. 13 IS RESOLVED.

6. INSTALLATIONS: MEXICANS PRESSED ISSUE IN CONTEXT RESIDUAL RIGHTS ISSUE, AND WE EXPLAINED COASTAL ORIENTATION AND PROTECTIONS OF U.S. TEXT ON INSTALLATIONS. MEXICANS SEEMED IMPRESSED THAT WE ASSUMED LARGE INSTALLATIONS WOULD PROBABLY COME UNDER COASTAL STATE CONTROL UNDER THE "MAY INTERFERE" CLAUSE OF OUR TEXT. IN PRIVATE DISCUSSION WITH MOORE, CASTANEDA AGREED IT MIGHT BE USEFUL TO SEE IF HE COULD DRAFT AROUND U.S. PROBLEM, WHICH WE DID NOT SPECIFY.

7. VESSEL-SOURCE POLLUTION: BOTH CASTANEDA AND TELLO ACKNOWLEDGED MEXICAN CONCERN AT BEING ZONE-LOCKED IN THE ATLANTIC, AND PREFER INTERNATIONAL STANDARDS AS THE GENERAL RULE, BUT CAUTIONED AGAINST EXPRESS REFERENCE TO IMCO IN THIS REGARD BECAUSE OF ITS UNPOPULARITY WITH SOME LDC'S. CASTANEDA SAW A NEED FOR A LIMITED EXCEPTION, NARROWLY DRAFTED, TO DEAL WITH PARTICULAR AREAS LIKE THE ARCTIC WHERE COASTAL STATES MIGHT ACT, AND ASKED IF WE WERE NEGOTIATING WITH CANADA. CASTANEDA MADE IT CLEAR THAT WAY TO RESOLVE VESSEL-SOURCE POLLUTION ISSUE WAS FOR U.S. AND CANADA TO WORK OUT SOLUTION FOR SPECIAL ARCTIC AREA AND NOT TO COMPLICATE FULL ECONOMIC ZONE DISCUSSION WITH SPECIAL NEEDS OF
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CANADIANS.

8. FISHERIES - FULL UTILIZATION: MEXICO IS PREPARED TO SUPPORT PRINCIPLE OF FULL UTILIZATION, PROVIDED IT HAS DISCRETION TO CHOOSE STATE THAT OFFERS IT THE BEST DEAL IN TERMS SUCH AS FEES, TECHNICAL ASSISTANCE OR TRAINING. CASTANEDA OPPOSED TO LISTING PRIORITIES, BUT INTIMATED IT MIGHT BE POSSIBLE TO COMPROMISE ON "TAKE INTO ACCOUNT" LANGUAGE IN CONNECTION WITH THE PRIORITIES. U.S. TEAM STRESSED IMPORTANCE OF COMPULSORY DISPUTE SETTLEMENT IN THIS CONNECTION BUT CASTANEDA HESITANT TO ACCEPT AT THIS STAGE AND SAID THAT FOR MORE GENERAL USES.

9. FISHERIES - GEOGRAPHICALLY DISADVANTAGED AND CARIBBEAN ARRANGEMENTS: MEXICO IS CONCERNED THAT ENGLISH-SPEAKING

CARIBBEAN STATES ARE NOT REALLY ON BOARD ON THE ECONOMIC ZONE, AND HAS PROPOSED TO DEFUSE THEIR OPPOSITION BY CREATING A JOINT ECONOMIC ZONE FOR FISHING PURPOSES ONLY BY SEPARATE TREATY IN THE CARIBBEAN IN WHICH ONLY LOCAL INHABITANTS OF ALL CARIBBEAN STATES HAVE EQUAL FISHING RIGHTS. LOCAL INHABITANTS OF PUERTO RICO, THE VIRGIN ISLANDS, AND THE EUROPEAN ISLANDS WOULD ENJOY THE SAME RIGHTS. WHEN OXMAN ASKED IF THIS WOULD APPLY TO THE GULF OF MEXICO ALSO, TELLO SAID THAT WAS THE FIRST QUESTION FIDEL CASTRO ASKED WHEN HE AND CASTANEDA SAW CASTRO. THE ANSWER IS "NO". (LATER, IN PRIVATE CONVERSATION, TELLO SAID THERE ARE THREE LITTORAL STATES IN THE GULF OF MEXICO, NOT TWO.) COLOMBIA IS OPPOSED TO THE MEXICAN IDEA BECAUSE IT WANTS ITS OWN ECONOMIC ZONE AROUND SOME CARIBBEAN ISLANDS. HONDURAS HAS PROBLEMS INCLUDING BELIZE. IN PRIVATE CONVERSATION, TELLO SAID THE IDEA SHOULD BE NEGOTIATED BY THE INDEPENDENT CARIBBEAN STATES ONLY, AND THAT THE U.S. AND THE EUROPEANS WOULD NOT BE INCLUDED. THEY COULD THEN OPT INTO THE SYSTEM ON BEHALF OF THEIR

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DEPENDENCIES. HE HADN'T THOUGHT ABOUT THE QUESTION OF PARTICIPATION IN ANY FISHERIES CONSERVATION AND RESEARCH ORGANIZATION THAT MIGHT BE SET UP. WHEN OXMAN SAID HE FORESAW PROBLEMS WITH EXCLUDING THE U.S. ON BEHALF OF ITS ISLANDS, TELLO SAID IT WAS POSSIBLE THE U.S. COULD BE

INVITED AS AN OBSERVER.

10. FISHERIES - TUNA: MEXICO OPENED BY PROPOSING A REGIONAL TUNA ORGANIZATION FOR THE ECONOMIC ZONE IN THE EASTERN PACIFIC COMPOSED ONLY OF THE COASTAL STATES "FROM PERU TO THE U.S." STATES OUTSIDE THE REGION WOULD BE ENTITLED TO ANY SURPLUS STATES IN THE REGION COULD NOT CATCH. IN ADDITION, WHILE MEXICO EVENTUALLY HOPES TO HAVE A DISTANT WATER FLEET OF LARGE VESSELS, IT ALSO DESIRES A SPECIAL PREFERENTIAL ALLOCATION IN ITS ECONOMIC ZONE, AND IS TIRED OF FIGHTING FOR ITS QUOTAS EVERY YEAR. IN THIS CONNECTION, THEIR FISHERIES EXPERT, MODRAGON, SAW A

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DISTINCTION BETWEEN MEXICAN VESSELS FISHING INSIDE MEXICO'S ZONE AND OUTSIDE THE ZONE, ARGUING FOR A PREFERENCE ONLY IN THE ZONE. THE FAILURE OF THE U.S. OPEN-ENDED APPROACH (TO PARTICIPATION IN THE ORGANIZATION AND ALLOCATION) TO DEAL WITH THE NEW ENTRANT PROBLEM WAS SHARPLY CRITICIZED. CASTANEDA HAD NO DIFFICULTY WITH ESTABLISHING CONSERVATION AND ALLOCATION REGULATIONS AND FEES, IN COASTAL STATE ORGANIZATION, AND ACKNOWLEDGED THAT ITS DECISION-MAKING PROCEDURES ARE IMPORTANT BUT THEY HAVEN'T FOCUSED ON THEM. CLINGAN POINTED OUT THE NEED TO INCLUDE AREAS BOTH INSIDE AND OUTSIDE THE ECONOMIC ZONE IN TUNA MANAGEMENT, AND THE DIFFICULTY OF EXCLUDING NON-COASTAL FISHING STATES IN THIS REGARD.

11. DISPUTE SETTLEMENT: CASTANEDA FELT IT WOULD BE DIFFICULT TO GET AGREEMENT ON COMPULSORY DISPUTE SETTLEMENT. LATER TELLO SAID PRIVATELY THAT MEXICO ITSELF HAD NO PROBLEM WITH COMPULSORY DISPUTE SETTLEMENT IN PRINCIPLE.

12. WORK AT GENEVA: CASTANEDA IS EXTREMELY ANXIOUS TO SEE THE ECONOMIC ZONE ADOPTED AT GENEVA, AND PRIVATELY RAISED THE QUESTION OF WHETHER A PARTIAL (COMMITTEES II AND III) SETTLEMENT WOULD BE ENOUGH TO FORESTALL U.S. UNILATERAL 200-MILE LEGISLATION, AND IF SO WHETHER U.S. CONGRESS WOULD THEN BE WILLING NOT TO ACT ON THE DEEP SEABEDS WHILE NEGOTIATIONS CONTINUED, DURING WHICH TIME THERE COULD BE NO DEEP SEABED EXPLOITATION. WE EXPLAINED THE PROBLEMS WITH THIS, BUT CASTANEDA DID NOT YIELD ON THE MORATORIUM POINT. CASTANEDA SPOKE IN SHARP TERMS OF THE "YOUNG TURKS" IN COMMITTEE I, AND OF THE FACT THAT THOSE OPPOSED TO A TREATY ARE USING COMMITTEE I TACTICALLY TO THAT END (LEAVING LITTLE DOUBT OF WHOM HE MEANT). ONE IDEA DISCUSSED WAS FOR AMERASINGHE TO PUT TOGETHER A GROUP OF HEADS OF DELEGATIONS TO CONSIDER THE COMMITTEE I PROBLEMS. IN TERMS OF SCENARIO, THE POSSIBILITY OF COMPLETING COMMITTEE II AND III WORK IN

GENEVA WITH VOTING ON THE BASIS OF BROAD -- BUT NOT
COMPLETE -- CONSENSUS, HAVING THE DRAFTING COMMITTEE I
MEET DURING THE SUMMER, AND SCHEDULING THE CARACAS SESSION
FOR JANUARY WAS EXPLORED. CASTANEDA STRESSED THE

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IMPORTANCE OF THE UPCOMING EVENSEN GROUP MEETINGS IF THIS
BROAD CONSENSUS APPROACH IS TO WORK. HE SAW LITTLE
POSSIBILITY OF COOPERATION FROM PERU AND ECUADOR UNTIL
THEY ARE OUTVOTED, WHEN THEY MAY GO ALONG, BUT SUGGESTED
WE TALK TO PERU AND BRAZIL.

13. LOS TEAM THANKS AMBASSADOR JOVA AND EMBOFFS FOR THEIR
GREAT ASSISTANCE IN ARRANGING PRODUCTIVE MEETING.
JOVA

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Message Attributes

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